

### Remarks

Claims 1-32 are pending in this application, including amended claims 1-7, 12-14, and 16, and new claims 31-32.

Claims 1-7, 11-13, 16-25, 28 and 30 were rejected in the Office Action under 35 U.S.C. § 102(b) as being anticipated by EP 0 595 062 ("EP '062 reference"). The Office Action states:

In reference to claims 1, 17 and 20, EP 0595062 discloses a fixing and fire-resistant glazing assembly including a fixing member (16, 18) having a support (18) and a safety element (16), a glazed element (2) and an additional pane (1); wherein the additional pane (1) is configured to permit positioning of the glazed element (2).

(Office Action, December 3, 2002, page 2). The rejection respectfully is traversed.

Applicants' invention, as presented in amended independent claim 1, is directed to a fixing for supporting fire-resistant composite glazing on a subconstruction with the composite glazing formed of an assembly of a main glazed element and an additional pane, the fixing comprising at least one support for fixing the main glazed element to the subconstruction without contacting the additional pane and at least one retaining element, wherein the retaining element is configured and dimensioned to permit the additional pane to be disposed in a first position proximate the glazed element and a supported position spaced therefrom.

In independent claim 17 as presented herein, Applicants' invention is directed to a fixing for supporting a composite glazing formed of at least one glass element and an additional pane, the fixing comprising: a support; a safety element coupled to the support and spaced therefrom to define a region for receiving the at least one glass element, wherein the safety element is configured and dimensioned to permit the additional pane to be disposed in a first position proximate the glass element and a supported position spaced from the first position.

In independent claim 20 as presented herein, Applicants' invention is directed to a fire-resistant glazing assembly comprising: a support; a safety element coupled to the support and spaced therefrom; a first glass sheet disposed between the support and the safety element; and a second glass sheet; wherein the safety element is configured and dimensioned to permit the second glass sheet to be disposed in a first position proximate the first glass sheet and a second supported position spaced from the first position.

To anticipate a claim under 35 U.S.C. § 102, a single prior art reference must disclose each and every element of the claimed invention in a manner sufficient to enable one

skilled in the art to reduce the invention to practice, thus placing the invention in possession of the public. *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *In re Donohue*, 766 F.2d 531, 533 (Fed. Cir. 1985).

The Office Action characterizes components 16, 18 in the EP '062 reference as being a safety element and support, respectively. Even with such a characterization, however, the EP '062 reference fails to disclose Applicants' claimed inventions.

Concerning amended claim 1, the EP '062 reference is understood to be silent at least with respect to a retaining element being configured and dimensioned to permit the additional pane to be disposed in a first position proximate the glazed element and a supported position spaced therefrom, as recited in independent claim 1. Applicants note that component 16 in the EP '062 reference does not permit the additional pane to be disposed in a supported position, as recited in claim 1.

In addition, concerning claim 17, the EP '062 reference is understood to be silent at least with respect to a safety element coupled to the support and spaced therefrom to define a region for receiving the at least one glass element, the safety element being configured and dimensioned to permit the additional pane to be disposed in a first position proximate the glass element and a supported position spaced from the first position. Applicants note that components 16 and 18 of the EP '062 reference are not spaced from each other, nor does component 16 of the EP '062 reference permit the additional pane to be disposed in a supported position spaced from the first position.

Moreover, concerning claim 20, the EP '062 reference is understood to be silent at least with respect to a safety element coupled to the support and spaced therefrom, a first glass sheet disposed between the support and the safety element, and wherein the safety element is configured and dimensioned to permit the second glass sheet to be disposed in a first position proximate the first glass sheet and a second supported position spaced from the first position. Again, Applicants note that components 16 and 18 of the EP '062 reference are not spaced from each other. Also, a glass sheet is not disposed between components 16 and 18, nor is component 16 configured and dimensioned to permit the second glass sheet to be disposed in a second supported position spaced from the first position.

Because the EP '062 reference fails to disclose each and every element of claims 1, 17, and 20, the EP '062 reference fails to anticipate these claims. With respect to dependent claims 2-7, 11-13, 16, 18, 19, 21-25, 28 and 30, it is submitted that these claims are patentable not only because of the patentability of the independent claims from which

they depend, but also for the totality of features recited respectively therein. Thus, Applicants believe that the rejection under 35 U.S.C. § 102 should be withdrawn.

Claims 8-10, 14-15, 26, 27, and 29 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over the EP '062 reference. It is submitted that these claims are patentable not only because of the patentability of the independent claim from which they depend, but also for the totality of features recited therein.

In view of the foregoing, it is believed that all pending claims are in condition for allowance, which is respectfully requested. If the Examiner does not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and accelerate the eventual allowance of the claims.

A fee is believed to be due for the presentation of new claims, and a Fee Transmittal Sheet is submitted concurrently herewith. A fee for an extension of time also is believed to be due for this submission and a petition for extension of time is submitted concurrently herewith. Should any additional fees be required, please charge such fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

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Respectfully Submitted,

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**EXHIBIT A - MARKED-UP VERSION OF AMENDED AND  
NEW CLAIMS PRESENTED IN AMENDMENT FILED JUNE 3, 2003**

1. (Amended) A fixing for supporting fire-resistant composite glazing on a subconstruction with the composite glazing formed of an assembly of a main glazed element and an additional pane, the fixing comprising at least one [point] support for fixing the main glazed element to the subconstruction ~~(without contacting the additional pane)~~ and at least one [safety] retaining element, wherein the [safety] retaining element is configured and dimensioned to permit the additional pane to be disposed in a first position proximate the glazed element and a supported position spaced ~~therefrom~~. *from the first position*

2. (Amended) The fixing of claim 1, wherein the at least one [point] support fixes the glazed element by force or positive engagement.

3. (Amended) The fixing of claim 1, wherein <sup>NAS</sup> in the first position the additional pane is bonded to the main glazed element.

4. (Amended) The fixing of claim 1, wherein the at least one [safety] retaining element is fixed at least indirectly to the main glazed element.

5. (Amended) The fixing of claim 1, wherein the additional pane has at least one opening through which a support of the at least one [safety] retaining element passes.

6. (Amended) The fixing of claim [1] 5, wherein the at least one opening comprises a through-bore and the at least one [safety] retaining element comprises a ring, disk, ring segment or disk segment, wherein an outside diameter of the at least one [safety] retaining element is larger than the through-bore.

~~X~~ 7. (Amended) The fixing of claim 1, wherein the additional pane defines a first plane, the support intersects the first plane, and the at least one [safety] retaining element is fixed to [a point] the support [that intersects the first plane].

12. (Amended) The fixing of claim 1, wherein the main glazed element comprises a pane of laminated glass.

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13. (Amended) The fixing of claim 1, wherein the main glazed element comprises insulating glazing having at least two sheets of glass assembled with one another by a spacing frame.

14. (Amended) The fixing of claim 1, wherein the main glazed element comprises at least one pane formed of prestressed or partially prestressed glass.

16. (Amended) The fixing of claim 1, wherein an intermediate insulating gap is formed between the main glazed element and the additional pane when the additional pane is in the supported position.

102 6, 295, 364  
31. (New) A fixing for supporting a composite glazing formed of at least one glass element and an additional pane, the fixing comprising:

21  
a support;

22  
a safety element coupled to the support and spaced therefrom to define a region for receiving the at least one glass element,

13  
wherein the safety element is configured and dimensioned to permit the additional pane to be disposed in (1) a first position proximate the glass element and (2) a supported position spaced from the first position and supported by the safety element.

32. (New) A fire-resistant glazing assembly comprising:

26  
a support;

22  
a retaining element coupled to the support;

11  
a first glass sheet disposed between the support and the retaining element; and

13  
a second glass sheet assembled to the first glass sheet;

7  
wherein the support does not contact the second glass sheet and the retaining element is configured and dimensioned to permit the second glass sheet to be disposed in (1) a first position proximate the first glass sheet and (2) a second position spaced from the first position while supported by the retaining element.